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7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

9 EQUAL EMPLOYMENT OPPORTUNITY
10 COMMISSION

11 Plaintiff,

12 v.

13 LA MEXICANA, INC.,
14

15 Defendant.

CIVIL ACTION NO.

COMPLAINT

JURY TRIAL DEMAND

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17 NATURE OF THE ACTION

18 This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the
19 Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex
20 and to provide appropriate relief to Laura Cigarroa ("Ms. Cigarroa"), who was adversely
21 affected by such practices. The Equal Employment Opportunity Commission alleges
22 that defendant subjected Ms. Cigarroa to discrimination when it subjected her to
23 harassment on the basis of her sex. Plaintiff seeks monetary relief, including pecuniary
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1 and nonpecuniary compensatory and punitive damages and injunctive relief, on behalf
2 of Ms. Cigarroa.

3 JURISDICTION AND VENUE

4 1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§451, 1331,
5 1337, 1343 and 1345. This action is authorized and instituted pursuant to sections
6 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C.
7 sections 2000e-5(f)(1) and (3) ("Title VII"), and Section 102 of the Civil Rights Act of
8 1991, 42 U.S.C. §1981a.

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10 2. The employment practices alleged to be unlawful were committed within
11 the jurisdiction of the United States District Court for the Western District of Washington
12 at Seattle.

13 PARTIES

14 3. Plaintiff, the Equal Employment Opportunity Commission (the
15 "Commission"), is the agency of the United States of America charged with the
16 administration, interpretation and enforcement of Title VII, and is expressly authorized to
17 bring this action by Section 706(f)(1) of Title VII, 42 U.S.C. §2000e-5(f)(1).
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19 4. At all relevant times, defendant La Mexicana, Inc. ("La Mexicana") has
20 been a corporation continuously doing business in the State of Washington and has
21 continuously had at least 15 employees.

22 5. At all relevant times, defendant La Mexicana has continuously been an
23 employer engaged in an industry affecting commerce within the meaning of Sections
24 701(b), (g) and (h) of Title VII, 42 U.S.C. §§2000e-(b), (g) and (h).
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STATEMENT OF CLAIMS

6. More than thirty days prior to the institution of this lawsuit, Ms. Cigarroa filed a charge with the Commission alleging violations of Title VII by defendant La Mexicana. All conditions precedent to the institution of this lawsuit have been fulfilled.

7. During Ms. Cigarroa's employment with defendant, from at least November 2003, La Mexicana engaged in unlawful employment practices at its factory in Seattle, Washington in violation of §§ 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). The unlawful employment practices include sexually harassing Ms. Cigarroa.

8. The effect of the practices complained of in paragraph 7 above has been to deprive Ms. Cigarroa of equal employment opportunities and otherwise adversely affected her status as an employee of La Mexicana because of her sex.

9. The unlawful employment practices complained of in paragraph 7 above were intentional.

10. The unlawful employment practices complained of in paragraph 7 above were done with malice or with reckless indifference to Ms. Cigarroa's federally protected rights.

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court:

A. Grant a permanent injunction enjoining defendant, its officers, successors, agents, assigns, and all persons in active concert or participation with it, from engaging in any employment practices which discriminate on the basis of sex.

1 B. Order defendant to institute and carry out policies, practices, and
2 programs which provide equal employment opportunities for all employees, and which
3 eradicate the effects of its past and present unlawful employment practices.

4 C. Order defendant to make whole Ms. Cigarroa by providing appropriate
5 relief in amounts to be determined at trial, and other affirmative relief necessary to
6 eradicate the effects of its unlawful employment practices.

7 D. Order defendant to make whole Ms. Cigarroa by providing compensation
8 for future pecuniary losses resulting from the unlawful employment practices described
9 in paragraph 7 above, including past and future out-of-pocket expenses, in amounts to
10 be determined at trial.

11 E. Order defendant to make whole Ms. Cigarroa by providing compensation
12 for past and future nonpecuniary losses resulting from the unlawful practices
13 complained of in paragraph 7 above, including without limitation emotional pain,
14 suffering, and loss of enjoyment of life, in amounts to be determined at trial.
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16 F. Order defendant to pay Ms. Cigarroa punitive damages for its malicious
17 and reckless conduct described in paragraph 7 above, in amounts to be determined at
18 trial.
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20 G. Grant such further relief as the Court deems necessary and proper in the
21 public interest.

22 H. Award the Commission its costs of this action.
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JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its complaint.

DATED this 21st day of September, 2006.

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